



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(218)

CWP-21209-2016 (O&M)
Date of Decision : 10.09.2024

Bhupinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohit Jaggi, Advocate for the petitioner.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

Mr. Jasbir Mor, Advocate for the applicant/respondent No. 4.

Harsimran Singh Sethi J. (Oral)

CM-2295-CWP-2019

Application is allowed, as prayed for.

CM-16698-CWP-2017

The present application has been filed for impleading the applicant as respondent No. 4.

Keeping in view the facts and circumstances mentioned in the application, the same is allowed and the applicant is impleaded as respondent No. 4. The amended memo of parties attached along with the application, is also taken on record.

CWP-21209-2016 (O&M)

In the present petition, the grievance being raised by the petitioner is that petitioner was entitled for promotion to the post of Personal Assistant w.e.f. 07.09.2012, but her promotion claim has been rejected vide



order dated 26.07.2016 (Annexure P-15) passed by respondent No. 1, which is liable to be set-aside.

It may be noticed that the petitioner was working with the respondents and she gave in writing on 12.01.2012 (Annexure P-3) that she will not be able to avail the promotion, due to which, she was debarred for promotion for a period of two years from the date of such refusal the promotion i.e. from 12.01.2012 till 12.01.2014.

Learned counsel for the petitioner submits that the order debarring the petitioner was exempted by the competent authority, hence, the petitioner should have been promoted to the post of Personal Assistant before her retirement on 30.09.2015 after availing extension period of two years as per the prevailing Notification/Instructions.

Learned counsel appearing on behalf of the respondents submits that initially, petitioner gave a request that she is not in a position to avail promotion, due to which she was debarred but, keeping in view the request made by the petitioner, debarring of the petitioner for promotion was exempted keeping in view the power vested with the competent authority under the Rules governing the service but as no promotion was effected by the time the petitioner retired, the petitioner cannot raise any grievance as the private respondent was promoted in the year 2017 much after the retirement of the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

From the facts, it is clear that during the period. Petitioner remained in service, no employee junior to the petitioner was promoted



superseding the petitioner by placing reliance upon the order debarring the petitioner for promotion to the post of Personal Assistant. Even if, the order debarring the petitioner from promotion is exempted, then also keeping in view the facts and circumstances of the present case, no junior of the petitioner was promoted upto the date she remained in service.

The promotion cannot be claimed as a matter of right but only the consideration can be claimed and in the facts and circumstances of the present case where the private respondent was only promoted after the retirement of the petitioner, no grievance can be raised by the petitioner. Allowing the claim of the petitioner would amount that an employee can claim promotion on attaining the eligibility, which plea cannot be accepted as, the claim for promotion is not a right and only the consideration is right.

In the facts and circumstances of the present case, where no junior of the petitioner was promoted to the higher rank till the petitioner remained in service, no ground is made out for any interference by this Court in the present petition.

Dismissed.

Pending miscellaneous application, if any, also stands disposed of.

September 10, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No